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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VITALY G. MARCHENKO)

Plaintiff,)

v.)

JOHN McHUGH, SECRETARY OF THE)
ARMY,)

Defendant.)

CASE NO. C09-03673 JF (PVT)

**[PROPOSED] ORDER GRANTING
ADMINISTRATIVE MOTION TO
GRANT LEAVE TO FILE SECOND
AMENDED COMPLAINT AND SET
TIME FOR RESPONDING TO
COMPLAINT**

Upon motion of defendant, John McHugh, Secretary of the Army ("Defendant"), and good cause appearing, IT IS HEREBY ORDERED that plaintiff's Second Amended Complaint, submitted to the Court on or about October 27, 2009, is deemed filed as of the date of this Order. Defendant shall have 20 days from the date of this Order to answer, move, or otherwise respond to the Second Amended Complaint.

DATED: 11/16/09


JEREMY FOGEL
UNITED STATES DISTRICT COURT JUDGE